UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

GAGAN GAUTAM,) Case No.: 9-CV-05088-LHK
Plaintiff, v.))) ORDER ADOPTING REPORT AND) RECOMMENDATION AND
OFFICER J. MARFIA,) DISMISSING CASE FOR FAILURE TO) PROSECUTE
Defendant.))

The complaint in this action was filed on October 26, 2009. Pursuant to Federal Rule of Civil Procedure 4(m), the deadline for service was 120 days from the date of filing, or April 23, 2010. To date, Plaintiff has not filed proof of service.

On February 8, 2011, Judge Grewal (to whom this case was previously assigned) ordered the Plaintiff to show cause why the case should not be dismissed for failure to prosecute by February 27, 2011. As of today's date, Plaintiff has not responded to the Order to Show Cause.

This case was reassigned to the undersigned Judge on March 14, 2011. In the Reassignment Order, Judge Grewal recommends that the case be dismissed for failure to prosecute. The Court agrees. Accordingly, this case is hereby DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 4(m). The Clerk shall close the file.

Case No.: 09-CV-05088-LHK

ORDER DISMISSING CASE

IT IS SO ORDERED.

Dated: March 23, 2011

H. Koh United States Intrict Judge

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